

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (Eastern Division)**

DIRECTV, Inc.

Plaintiff,

VS.

William Newhall

Defendant

) Case No.: **03cv12411 PBS**

**PLAINTIFF'S MOTION TO VACATE
SUGGESTION OF BANKRUPTCY**

Plaintiff, DIRECTV, Inc (“DIRECTV”), moves this court for an order vacating the Suggestion of Bankruptcy docketed in this matter on April 27, 2004.

As grounds for this Motion, the Plaintiff submits the Defendant's bankruptcy proceedings no longer effects or bars this action. The Plaintiff timely filed an Adversarial Proceeding in the bankruptcy action pursuant to 11 U.S.C. § 523(a)(6). Thereafter, the Plaintiff and the Defendant, with his Bankruptcy Counsel, jointly moved the Bankruptcy Court to bring this action back to this Federal Court with the stipulation that should the Plaintiff prevail in the District Court the judgment would be non-dischargeable pursuant to 11 U.S.C. § 523(a)(6). In addition, the Plaintiff agreed and stipulated that it would amend its Complaint by withdrawing the Sixth Count of the original Complaint. The Bankruptcy court granted the parties' motion.

Plaintiff's Certification pursuant to LR D. Mass 7.1 (A) (2)

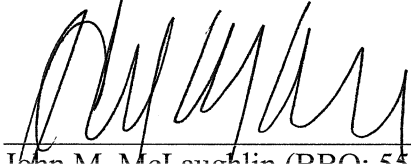
Plaintiff's counsel certifies that he has presented a draft of this motion to the Defendant and attempted to reach the Defendant telephonically. The Plaintiff has not received a substantive response from the Defendant as to this Motion. Take note of fact that the Bankruptcy Counsel has not filed an appearance in this action and at this point in time the Defendant is unrepresented by Counsel in the district court action.

Once the Suggestion of Bankruptcy is removed, the Plaintiff intends to file the Amended Complaint. After service of the amended complaint, the time for responsive Pleading would start to run.

In further support hereof, see the affidavit of Plaintiff's counsel filed herewith along with copies of the pertinent Bankruptcy documentation which are made exhibits to said affidavit.

Respectfully Submitted for DIRECTV, Inc.
By Its Attorney,

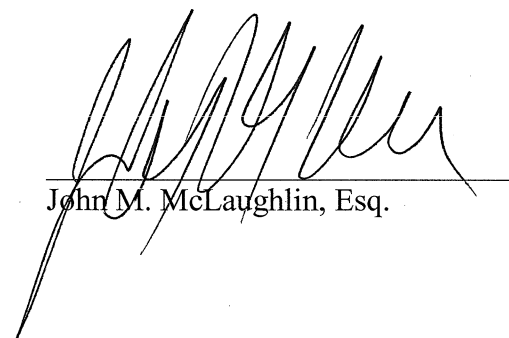
1/21/05
Date


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CERTIFICATE OF SERVICE

I, John M. McLaughlin, Attorney for the Plaintiff, hereby certify that on the 20 day of January 2005, a copy of the foregoing Plaintiff's To Motion to Vacate Suggestion of Bankruptcy and accompanying documentation was mailed first class to:

Mr. William Newhall
41 Union Court
Lynn, MA 01902



John M. McLaughlin, Esq.